

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

7 DEBORAH SANZARO, et al.,)
8 Plaintiffs,)
9 vs.)
10 ARDIENTE HOMEOWNERS)
ASSOCIATION, LLC, et al.,)
11 Defendants.)
12)

13 This matter is before the Court on Plaintiff's Emergency Motion (#170), filed December
14 19, 2014. By way of the motion, Plaintiff requests that the Court lift the parties' stipulated stay
15 regarding consideration of Plaintiff's Motion to Compel (#150) and Motion for Five Order
16 (#145), both filed prior to the parties participation in a private mediation on November 17, 2014.

17 || See Dkt. #165.

In the parties' joint status report (#165), signed by Plaintiff Michael Sanzaro, it was agreed that the motion to compel (#150) would be withdrawn and "re-filed in the event of an unsuccessful mediation." Dkt. #165 at 2:6-8. Additionally, prior to the withdrawal of the motion to compel, Defendants had filed a response. Dkt. (#161). Before the motion was withdrawn and after the response was filed, the parties submitted a stipulation to extend discovery which indicated "several supplemental responses to discovery were served" as a result of the motion to compel. Consequently, the Court declines to put the prior motion to compel back on calendar. The serving of supplemental responses prior to the motion being withdrawn, in all likelihood, will have negated the need for review of a portion of the prior disputed discovery. Plaintiffs are instructed to refile their motion, after complying with the consultation requirements of both LR 26-7(b) and Fed. R. Civ. P. 37(a), and set forth the precise discovery that remains disputed.

1 Further, the Court notes that Plaintiff's Motion for Five Orders (#145) was not withdrawn
2 and has remained an "active" motion during the pendency of the parties' mediation. Having been
3 informed that the parties were unable to resolve their dispute through mediation, the Court will
4 consider the motion in due course.

5 || Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Emergency Motion (#170) is denied.

7 | Plaintiffs are instructed to refile their discovery motions.

8 || DATED: January 5, 2015.

C.W. Hoffman, Jr.
C.W. Hoffman, Jr.
United States Magistrate Judge